

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK
(Long Island Division)

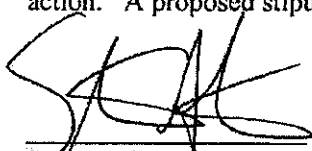
FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ JUL 02 2009 ★

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	LONG ISLAND OFFICE
Plaintiff,)	
)	
v.)	CV 04-4199 (ADS)(ETB)
)	
STEPHEN E. APOLANT,)	Honorable Arthur Spatt
)	
Defendant.)	

JOINT MOTION TO DISMISS WITH PREJUDICE

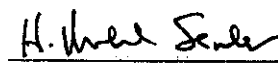
The Securities and Exchange Commission ("Commission") and defendant Stephen Apolant ("Apolant") jointly request that all claims asserted by the Commission against Apolant in this action be voluntarily dismissed with prejudice.

In connection with the Commission's dismissal of this action, Apolant waives any claim or cause of action he may have against the federal government or its representatives for attorneys fees, expenses or costs incurred in connection with this action. A proposed stipulated order accompanies this motion.


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Date: 7/1/09

Respectfully submitted,


H. Michael Semler
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Attorneys for the Securities and Exchange
Commission

Date: 7/1/09

**MOVANT'S COUNSEL IS DIRECTED TO SERVE A
COPY OF THIS ORDER ON ALL PARTIES UPON
RECEIPT.**

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	Plaintiff,
)	
)	v.
)	CV 04-4199 (ADS)(ETB)
)	
STEPHEN E. APOLANT,)	Honorable Arthur Spatt
)	
)	Defendant.
)	

STIPULATED ORDER OF DISMISSAL

Whereas plaintiff Securities and Exchange Commission ("Commission") and defendant Stephen Apolant ("Apolant") jointly request that all claims asserted by the Commission against Apolant in this action be voluntarily dismissed with prejudice;

THEREFORE, IT IS HEREBY ORDERED that all claims asserted by the Commission against Apolant in this action are voluntarily dismissed with prejudice, each side to bear its own costs, attorneys fees, and expenses.

Dated: 7/1/09

Hon. Arthur Spatt
United States District Judge

We stipulate to entry of the foregoing order.

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Case closed. So ordered.

Arthur A. Spatt, U.S.D.J.

7/1/09